



IT IS ORDERED

Date Entered on Docket: December 7, 2012

The Honorable Robert H Jacobvitz
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re: Patricia Ann Garnett,

Debtor.

Case No. 12-12762-j13

ORDER CONFIRMING CHAPTER 13 PLAN

The Chapter 13 Plan (as defined in paragraph 2 below) came before the Court for confirmation on the request of the debtor(s) Patricia Ann Garnett. After considering the pleadings on file, the Court finds as follows:

1. Debtor filed a chapter 13 plan on July 24, 2012. Doc 9.
2. Debtor filed one or more modifications of the chapter 13 plan: Filed an Amended Chapter 13 Plan on July 26, 2012. Doc 13. The chapter 13 plan and modifications if any together constitute the Chapter 13 Plan.
3. On July 26, 2012, Debtor filed an Amended Notice of Deadline for Filing Objections to Chapter 13 Plan. Doc 14. On July 26, 2012 the notice was mailed to all creditors and other parties in interest. The notice specified that any objection was to be filed with the clerk and a copy served on the attorney for the debtor and the chapter 13 trustee within 28 days of mailing of the notice.

4. The deadline for filing objections expired on August 23, 2012.
 5. US Bank National Association, as trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-EQ1, its assignees and/or successors, (“Americas Servicing”) filed an Objection to Confirmation of Chapter 13 Plan on August 21, 2012. Doc 29.
 6. US Bank National Association, as trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-EQ1, its assignees and/or successors, (“Americas Servicing”) filed an Objection to Confirmation of Amended Chapter 13 Plan on October 1, 2012. Doc 29.
 7. No other objection or other responsive pleading has been timely filed with the clerk, served on the attorney for the debtor, or served on the chapter 13 trustee; alternatively, any objection or responsive pleading has been addressed in a modification or in this order.
 8. Debtor has filed an Affidavit in Support of Confirmation stating s/he is not required by a judicial or administrative order or by statute to pay any domestic support obligations and that all federal, state and local tax returns required by law have been filed during the 4-year period prior to the filing of this bankruptcy case (Doc 41).
 9. Confirmation of the Chapter 13 Plan constitutes a finding by the Court that Debtor has satisfied all requirements of section 1325 of the Bankruptcy Code.
- IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:
1. The Chapter 13 Plan (the chapter 13 plan as amended by any subsequent modifications identified above) is confirmed.
 2. The Debtor shall timely file all tax returns on or before April 15 annually

during the life of the plan. Debtor shall provide a copy of their state and federal tax returns annually to the trustee within 14 days of filing and shall remit annually to the trustee the amount of all net combined state and federal tax refunds for tax years 2012 through 2016 inclusive by May 15 each year. Debtor shall not change her withholding or otherwise impact their receipt of refunds without prior Court approval.

3. The Trustee shall pay attorney fees pursuant to a Court approved Fee Applications after Notice and Hearing.

4. The Trustee shall pay pre and post-petition arrearage in full in accordance with an allowed proof of claim by Creditor U.S. Bank National Association, as trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-EQ1, its assignees and/or successors, by and through its servicing agent Wells Fargo Bank, NA D/B/A/ Americas Servicing Company with interest at 4.75%.

5. In order to satisfy the disposable income requirement and to be entitled to a discharge, debtors shall make plan payments to the trustee in an amount sufficient for a minimum distribution of 100% to attorney's fees and trustee's fees, and 100% plus interest at 3% to allowed priority and non-priority unsecured claims.

6. Debtor is prohibited from making any direct payments on student loans. Any allowed proofs of claim for student loans shall be paid through the plan by the trustee.

END OF ORDER

Submitted by:

SANDERS, BRUIN, COLL & WORLEY, P.A.

Approved 12/5/12
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APPROVED:

/s/submitted electronically/ks/12/5/12

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Approved via email 12/4/2012

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